

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

WILLIAM J. WINDHAM and	)	
GWENDOLYN JOYCE WINDHAM	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 3:05 CV-472-M
	)	
B.W. CAPPS & SONS, INC.	)	
	)	
Defendant.	)	

**DEFENDANT'S REQUESTED VOIR DIRE QUESTIONS**

Comes now, Defendants herein and submits its requested Voir Dire questions respectfully requesting that they be allowed to inquire as to the following:

1. Do any of you know the Plaintiffs in this case?
2. Do any of you know Wesley Capps, Larry Barnett, Dudley Barnett, Joey McNair, James Norris, Randy Lynn or Dr. Thomas Bernard?
3. Have any of you ever been a Plaintiff (i.e. sued somebody) in a civil case?
4. Have any of you ever been sued in a civil case?
5. Have any of you or any member of your family or close associate (friend, etc.) ever been hurt while on the premises of another?

6. Is there anyone here who thinks that because someone is injured on the premises of a business (such as a store, parking lot, steps, etc.) that the owner of the business should have to pay your medical bills or other damages, even if the injury was your fault?

7. Has anyone here ever suffered a broken bone that required surgery? If so, which bone and describe the surgery?

8. Has anyone here ever tripped or stumbled over your feet or over a rock on the ground and fallen and injured yourself? Did you make any claim against anyone in relation to your fall?

9. Is there anyone here who believes that just because Mr. and Mrs. Windham has sued B.W. Capps that they should recover money damages?

10. Have any of you ever been to the premises of B.W. Capps?

11. Do any of you have any experience with cattle or farm gates?

12. Have any of you ever purchased and/or installed a cattle or farm gate?

13. In the absence of some hidden defect in the premises Do each of you believe that a person has a responsibility to look out for their own welfare and safety when on the premises of another?

14. Have any of you ever served upon a civil jury that awarded money damages? If so, please give a brief description of the case and what you remember about it.

15. Are any of you retired military? If so, is there anyone who would give more credibility to someone who has served in the military than to another witness?

16. Is there anyone who feels for any reason that they could not be fair to both sides in this case?

*/s/James R. McKoon, Jr.*

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JAMES R. McKOON, JR. (MCK020)  
Attorney for Defendant  
P. O. Box 3220  
Phenix City, Alabama 36868-3220  
(334) 297-2300

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the above and foregoing upon the following attorneys of record by electronic noticing procedures set forth by this Court as set forth below:

James Balli, Esq.  
Sams, Larkin & Huff  
376 Powder Springs Street  
Suite 100  
Marietta, Georgia 30064-3448

This 22<sup>nd</sup> day of May, 2006.

*/s/James R. McKoon, Jr.*

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OF COUNSEL

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JAMES R. McKOON, JR. (MCK020)  
Attorney for Defendant  
P.O. Box 3220  
Phenix City, Alabama 36868-3220  
(334) 297-2300

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing upon the following attorneys of record by placing a true copy of the same in the United States Mail, postage prepaid, and addressed to them as follows:

James Balli, Esq.  
Sams, Larkin & Huff  
376 Powder Springs Street  
Suite 100  
Marietta, Georgia 30064-3448

This 22nd day of May, 2006.

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OF COUNSEL

